

Public Chapter 176

HOUSE BILL NO. 1689

By Representative Buck

Substituted for: Senate Bill No. 1757

By Senator Ramsey

AN ACT to amend Tennessee Code Annotated, Title 40, Chapter 14, relative to advising certain criminal defendants of the consequences of being convicted of certain offenses.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Title 40, Chapter 14, Part 1, is amended by adding the following as a new section:

Section____.

(a) As used in this section "Domestic violence offense" means an offense that:

(A) Is classified as a misdemeanor in this state;

(B) Has as an element of the offense the use or attempted use of physical force or the threatened use of a deadly weapon; and

(C) Is committed by a:

(i) Current or former spouse, parent, or guardian of the victim;

(ii) Person with whom the victim shares a child in common;

(iii) Person who is cohabiting with or has cohabited with the victim as a spouse, parent, or guardian; or

(iv) Person similarly situated to a spouse, parent, or guardian of the victim.

(b) Before the court accepts the guilty plea of a defendant charged with a domestic violence offense, it shall inform the defendant that it is a federal offense for a person convicted of a domestic violence offense to possess or purchase a firearm and that from the moment of conviction for such an offense the defendant will never again be able to lawfully possess or buy a firearm of any kind. After so informing the defendant, the court may accept the plea of guilty if the defendant clearly states on the record that the defendant is aware of the

consequences of a conviction for a domestic violence offense and still wishes to enter a plea of guilty.

(c) If a defendant is not represented by an attorney but wishes to proceed to the trial of a charge of committing a domestic violence offense, the court shall also inform the defendant of the consequences of a conviction for a domestic violence offense as provided in subsection (b) of this section.

SECTION 2. This act shall take effect upon becoming a law, the public welfare requiring it.